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PROGRAMS (/PROGRAMS/LANDING.JHTML?SRC=LN)

Special Education--Grants to States

	(/programs/osepgts/index.html)	Purpose	Funding Status (/programs/osepgts/funding.html)
		Eligibility (/programs/osepgts/eligibility.html)	Laws, Regs, & Guidance (/programs/osepgts/legislation.html)
		Applicant Info (/programs/osepgts/applicant.html)	Resources (/programs/osepgts/resources.html)
		Awards (/programs/osepgts/awards.html)	FAQs
		Performance (/programs/osepgts/performance.html)	Contacts (/programs/osepgts/contacts.html)
Office of Special Education and Rehabilitative Services Home (/about/offices/list/osers/)			

Purpose

Program Office: Office of Special Education Programs(OSEP) (/about/offices/list/osers/osep/index.html)

CFDA Number: 84.027

Program Type: Formula Grants

Also Known As: Grants to States for Education of Children with Disabilities, Part B, Sec. 611

Program Description

The Grants to States program provides formula grants to assist the 50 states, the District of Columbia, Puerto Rico, the Department of the Interior, Outlying Areas, and the Freely Associated States in meeting the excess costs of providing special education and related services to children with disabilities. In order to be eligible for funding, states must serve all children with disabilities between the ages of 3 through 21, except that they are not required to serve children aged 3 through 5 or 18 through 21 years if services are inconsistent with State law or practice or

the order of any court. A state that does not provide a free appropriate public education (FAPE) to children with disabilities aged 3 through 5 cannot receive base payment funds attributable to this age group or any funds under the Preschool Grants program.

Funds are allocated among states in accordance with a variety of factors, as outlined in the funding formula under section 611(d) of the *Individuals with Disabilities Education Act (IDEA)*. First, each state is allocated an amount equal to the amount that it received for fiscal year 1999. If the total program appropriation increases over the prior year, 85 percent of the remaining funds are allocated based on the number of children in the general population in the age range for which the states guarantee FAPE to children with disabilities. Fifteen percent of the remaining funds are allocated based on the number of children living in poverty that are in the age range for which the states guarantee FAPE to children with disabilities.

Most of the federal funds provided to states must be passed on to LEAs. However, a portion of the funds may be used for state-level activities. Any funds not set aside by the state must be passed through to LEAs. These sub-state allocations are made in a fashion similar to that used to allocate funds among states when the amount available for allocation to States increases.

The *IDEA* also requires each state to maintain its level of state financial support for special education and related services from one year to the next. The *IDEA* also contains a local "maintenance of effort" requirement. Under this requirement, each LEA must maintain its total expenditures, including State and local contributions, on special education from one year to the next.

LEAs typically may use up to 15 percent of their allocation, less any amount used to reduce that LEA's maintenance of effort level, for early intervening services. Early intervening services generally address the needs of students who require additional academic and behavioral supports to succeed, but who are not identified as needing special education.

The *IDEA* requires awards to the Freely Associated States of the Pacific Basin (Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands) to be the same amounts that they received from the fiscal year 2003 appropriation. *IDEA* requires that from the funds appropriated for Grants to States, 1.226 percent shall be set aside for the Department of the Interior. The *IDEA* also authorizes the Department to set aside a portion of the Grants to States appropriation to provide technical assistance to improve the capacity of States to meet data collection requirements necessary for the implementation of the program.

This is a forward-funded program that includes advance appropriations. A portion of the funds becomes available for obligation on July 1 of the fiscal year in which they are appropriated, and remains available for federal obligation for 15 months.

Types of Projects

Funds under this program are combined with state and local funds to provide FAPE to children with disabilities. Permitted expenditures include the salaries of special education teachers and costs associated with related services personnel, such as speech therapists and psychologists. States may use funds reserved for other state-level activities for a variety of specified activities, including:

- support and direct services;
- technical assistance and personnel preparation;
- assisting LEAs in providing positive behavioral interventions and supports; and
- improving the use of technology in the classroom.

Some portion of funds reserved for other state-level activities must be used for monitoring, enforcement, and complaint investigation, and to establish and implement the mediation process required by Sec. 615(e) of *IDEA*, including providing for the cost of mediators and support personnel.

Each state has the option to reserve a portion of the funds the state reserves for other state-level activities for a fund to assist LEAs in addressing the needs of high-cost children with disabilities. If the state opts to reserve for this fund, it may reserve a larger portion of its award for other state-level activities, and must reserve at least 10 percent of the amount set aside for other state-level activities for the fund.

Last Modified: 05/05/2016

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- Every Student Succeeds Act (ESSA) (<https://www.ed.gov/essa?src=rn>)
- FERPA (</policy/gen/guid/fpco/ferpa/index.html?src=rn>)
- FAFSA (<https://fafsa.ed.gov/?src=edgov-rn>)
- 1098, tax forms (<https://www.ed.gov/1098-e?src=rn>)
- More > (</about/top-tasks.html?src=rn>)

Information About...

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Grants & Programs

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Laws & Guidance

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FERPA (/policy/gen/guid/fpc/ferpa/index.html?src=ft)
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New IDEA Website (https://sites.ed.gov/idea/?src=ft)

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